

**REMARKS**

The Applicants request reconsideration of the rejection.

Claims 13-18 are now pending. The examined claims have been canceled, rendering moot the rejections set forth on pages 2-6 of the Office Action.

Independent claim 13 is patentable over the prior art cited in the Office Action. In particular, claim 13 recites a plurality of reagent disks and first and second reagent dispensing probes that dispense, respectively, first and second reagents into reaction cells. The dispensing of the first and second reagents occurs at different timings during the course of a single cycle, defined by way of example with reference to Fig. 3 of the present drawings. Note that the example shown in Fig. 3 has 11 pitches and stops to perform the various actions shown there. The dispensing of reagents as just discussed, is shown to occur at a first timing at position 2, a second timing at position 17, and a third timing at position 27. Thus, according to claim 13, only one of the first and second reagent dispensing probes for each of said reagent disks sucks said first or second reagent received in said reagent container arranged on each of said reagent disks during a predetermined cycle.

By this feature of the claimed invention, two probes do not simultaneously access the same reagent disk in the same cycle, so that each cycle time can be shortened to increase the number of samples that can be analyzed per unit time, even when plural reagent disks and plural reagent dispensing probes are employed in one automatic analyzer.

Ohishi et al., U.S. Patent No. 6,019,945 (Ohishi) instead shows reagent dispensing probes 8a and 8b that suck reagents from reagent containers and inject the reagents into a reaction cell 46b at the same position of the reaction disk.

However, for two or more reagent dispensing probes to access one reagent disk in one cycle, the cycle time must be longer than the cycle time of the presently claimed invention in which only one of the probes sucks the first or second reagent on each of the reagent disks during a predetermined cycle.

The secondary reference to Ginsberg et al., U.S. Patent No. 4,234,538 is cited as disclosing an automatic analyzer including first and second reagent dispensers arranged about a reagent disk. Ginsberg also does not disclose the feature of only one of the reagent dispensing probes sucking one of the reagents received in a reagent container on each of the reagent disks during a predetermined cycle. Accordingly, the combination of Ohishi and Ginsberg cannot be said to render obvious the claimed invention.

Minekane, U.S. Patent No. 4,808,380 (Minekane) is cited as disclosing at least one reagent disk arranged inside another reagent disk. In fact, claim 7 rejected over Ohishi in view of Ginsberg and Minekane, recited that at least one of the reagent disks is arranged inside a reaction disk. Thus, the combination did not render obvious claim 7. Nevertheless, claim 7 has been canceled, but Minekane also does not disclose the feature of only one of the reagent dispensing probes sucking the first or second reagent received in the reagent container on each of the reagent disks on the predetermined cycle.

Claims 14-18 are each dependent from claim 13, and thus inherit its patentable features. Therefore, the separate patentability of these claims will not be argued at this time.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of

12-09-'08 15:34 FROM-Mattingly, Stanger

703-684-1157

T-114 P011/011 F-814

U.S. Application No. 10/614,105

this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-187).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

/Daniel J. Stanger/  
Daniel J. Stanger  
Registration No. 32,846

DJS/sdb  
(703) 684-1120